

03/30/01  
1055 U.S. PTO

04-02-01

A

Please type a plus sign (+) inside this box → ☐

PTO/SB/05 (08-00) (modified)

Approved for use through 9/30/2001, OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>NEW UTILITY PATENT APPLICATION TRANSMITTAL</b>  <i>(only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Docket Number	21216-05044
	First Named Inventor	Hon Wah Chin
	Title	System And Method For Determining The Data Rate Of A Digital Data Stream
	Express Mail Label No.	EL566297852US

03/30/01  
1055 U.S. PTO  
09/823410

APPLICATION ELEMENTS	ACCOMPANYING APPLICATION PARTS
1. <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) 2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 3. <input checked="" type="checkbox"/> Specification <span style="float: right;">Total Pages <input type="text" value="19"/></span> <i>(preferred arrangement set forth below)</i> <input type="checkbox"/> Descriptive Title of the Invention <input type="checkbox"/> Cross Reference(s) to Related Case(s) <input type="checkbox"/> Statement Regarding Fed sponsored R & D <input type="checkbox"/> Background of the Invention <input type="checkbox"/> Brief Summary of the Invention <input type="checkbox"/> Brief Description of the Drawing(s) <input type="checkbox"/> Detailed Description <input type="checkbox"/> Claim or Claims <input type="checkbox"/> Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <span style="float: right;">Total Sheets <input type="text" value="8"/></span> 5. Oath or Declaration a. <input checked="" type="checkbox"/> New Declaration <span style="float: right;">Total Pages <input type="text" value="1"/></span> <input checked="" type="checkbox"/> Executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i> i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	7. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s)) 8. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i> 9. <input checked="" type="checkbox"/> Power of Attorney or Authorization of Agent 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement 11. <input type="checkbox"/> Preliminary Amendment 12. <input type="checkbox"/> Information Disclosure Statement & PTO-1449 <input type="checkbox"/> Copies of IDS Citation(s) 13. <input checked="" type="checkbox"/> Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent 14. <input type="checkbox"/> Return Postcard 15. <input type="checkbox"/> 16. <input type="checkbox"/> 17. <input type="checkbox"/>
<b>ADDRESS TO:</b> <b>Box Patent Application</b> <b>Commissioner for Patents</b> <b>Washington, D.C. 20231</b>	


18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: \_\_\_\_/\_\_\_\_

Prior application information: Examiner: \_\_\_\_\_ Group/Art Unit: \_\_\_\_\_

**For CONTINUATION OR DIVISIONAL APPS only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input type="checkbox"/> Customer Number and Bar Code Label	 <b>00758</b>
---	---

Name (Print/Type)	Eileen A. Lehmann	Registration No. (Attorney/Agent)	39,272
Signature	<i>Eileen A. Lehmann</i>	Date	March 30, 2001

21216/05044/DOCS/1158962.1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Hon Wah Chin
	Title	System And Method For Determining The Data Rate Of A Digital Data Stream
	Atty Docket Number	21216-05044

I hereby certify that the invention disclosed in the attached application **has not been and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

March 30, 2001

Date

  
Signature

Eileen A. Lehmann, 39,272

Typed or printed name/Registration Number

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

0002/PTO(modified) Rev. 10/2000		U.S. Department of Commerce Patent and Trademark Office		<b>Complete if Known</b> Application Number: Not yet known Filing Date: March 30, 2001 First Named Inventor: Hon Wah Chin Group Art Unit: Not yet known Examiner Name: Not yet known Attorney Docket Number: 21216-05044	
FEE TRANSMITTAL					
<b>TOTAL AMOUNT OF PAYMENT</b> Subtotal (1) + Subtotal (2) + Subtotal (3) = <b>(\$ 910.00)</b>					

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																								
<b>1. The Commissioner is hereby authorized to:</b>  <input type="checkbox"/> Charge the indicated fees to the below mentioned deposit account.  <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. <sup>1</sup>  <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27  Deposit Account Number: 19-2555 Deposit Account Name: FENWICK & WEST LLP A Duplicate Copy of this authorization is attached  <b>2. <input checked="" type="checkbox"/> Payment Enclosed:</b> <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Other	<b>3. ADDITIONAL FEES</b> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee Code/Fee</th> <th>Small Entity Fee Code/Fee</th> <th>Fee Description</th> <th>Fee Due</th> </tr> </thead> <tbody> <tr><td>105/\$130</td><td>205/\$65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127/\$50</td><td>227/\$25</td><td>Surcharge-late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>147/\$2,520</td><td>147/\$2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>115/\$110</td><td>215/\$55</td><td>Extension for response within first month<sup>†</sup></td><td></td></tr> <tr><td>116/\$390</td><td>216/\$195</td><td>Extension for response within second month<sup>†</sup></td><td></td></tr> <tr><td>117/\$890</td><td>217/\$445</td><td>Extension for response within third month<sup>†</sup></td><td></td></tr> <tr><td>118/\$1,390</td><td>218/\$695</td><td>Extension for response within fourth month<sup>†</sup></td><td></td></tr> <tr><td>128/\$1,890</td><td>228/\$945</td><td>Extension for response within fifth month<sup>†</sup></td><td></td></tr> <tr><td>119/\$310</td><td>219/\$155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>141/\$1,240</td><td>241/\$620</td><td>Petition to revive unintentionally abandoned application</td><td></td></tr> <tr><td>142/\$1,240</td><td>242/\$620</td><td>Utility Issue Fee (Or Reissue)</td><td></td></tr> <tr><td>143/\$440</td><td>243/\$220</td><td>Design Issue Fee</td><td></td></tr> <tr><td>122/\$130</td><td>122/\$130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>126/\$180</td><td>126/\$180</td><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>179/\$710</td><td>279/\$355</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>581/\$40</td><td>581/\$40</td><td>Recording each patent assignment per property (times number of properties)</td><td>40</td></tr> <tr><td>146/\$710</td><td>246/\$355</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>149/\$710</td><td>249/\$355</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td colspan="3">Other fee (specify):</td><td></td></tr> <tr><td colspan="3">Other fee (specify):</td><td></td></tr> <tr> <td colspan="3" style="text-align: right;"><b>SUBTOTAL (3)</b></td> <td><b>(\$ 40)</b></td> </tr> </tbody> </table>	Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due	105/\$130	205/\$65	Surcharge - late filing fee or oath		127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet		147/\$2,520	147/\$2,520	For filing a request for reexamination		115/\$110	215/\$55	Extension for response within first month <sup>†</sup>		116/\$390	216/\$195	Extension for response within second month <sup>†</sup>		117/\$890	217/\$445	Extension for response within third month <sup>†</sup>		118/\$1,390	218/\$695	Extension for response within fourth month <sup>†</sup>		128/\$1,890	228/\$945	Extension for response within fifth month <sup>†</sup>		119/\$310	219/\$155	Notice of Appeal		141/\$1,240	241/\$620	Petition to revive unintentionally abandoned application		142/\$1,240	242/\$620	Utility Issue Fee (Or Reissue)		143/\$440	243/\$220	Design Issue Fee		122/\$130	122/\$130	Petitions to the Commissioner		126/\$180	126/\$180	Submission of Information Disclosure Statement		179/\$710	279/\$355	Request for Continued Examination (RCE)		581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	40	146/\$710	246/\$355	Filing a submission after final rejection (37 CFR 1.129(a))		149/\$710	249/\$355	For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify):				Other fee (specify):				<b>SUBTOTAL (3)</b>			<b>(\$ 40)</b>
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due																																																																																						
105/\$130	205/\$65	Surcharge - late filing fee or oath																																																																																							
127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet																																																																																							
147/\$2,520	147/\$2,520	For filing a request for reexamination																																																																																							
115/\$110	215/\$55	Extension for response within first month <sup>†</sup>																																																																																							
116/\$390	216/\$195	Extension for response within second month <sup>†</sup>																																																																																							
117/\$890	217/\$445	Extension for response within third month <sup>†</sup>																																																																																							
118/\$1,390	218/\$695	Extension for response within fourth month <sup>†</sup>																																																																																							
128/\$1,890	228/\$945	Extension for response within fifth month <sup>†</sup>																																																																																							
119/\$310	219/\$155	Notice of Appeal																																																																																							
141/\$1,240	241/\$620	Petition to revive unintentionally abandoned application																																																																																							
142/\$1,240	242/\$620	Utility Issue Fee (Or Reissue)																																																																																							
143/\$440	243/\$220	Design Issue Fee																																																																																							
122/\$130	122/\$130	Petitions to the Commissioner																																																																																							
126/\$180	126/\$180	Submission of Information Disclosure Statement																																																																																							
179/\$710	279/\$355	Request for Continued Examination (RCE)																																																																																							
581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	40																																																																																						
146/\$710	246/\$355	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																							
149/\$710	249/\$355	For each additional invention to be examined (37 CFR 1.129(b))																																																																																							
Other fee (specify):																																																																																									
Other fee (specify):																																																																																									
<b>SUBTOTAL (3)</b>			<b>(\$ 40)</b>																																																																																						

1. FILING FEE			
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
101/\$710	201/\$355	Utility Filing	710
106/\$320	206/\$160	Design Filing	
108/\$710	208/\$355	Reissue	
114/\$150	214/\$75	Provisional Filing	
<b>SUBTOTAL (1)</b>			<b>(\$ 710)</b>

2. CLAIMS			
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
103/\$18	203/\$9	Claims in excess of 20	
102/\$80	202/\$40	Independent claims in excess of 3	
104/\$270	204/\$135	Multiple dependent claim	
109/\$80	209/\$40	Reissue independent claims over original patent	
110/\$18	210/\$9	Reissue claims in excess of 20 and over original patent	

(Col. 1)		(Col. 2)		(Col. 3)			
For	No. of Existing Claims		Highest No. Previously Paid For		Extra**	Fee	Fee Due
TOTAL	17	minus*	20	=	0	x 18	= 0
INDEP	5	minus*	3	=	2	x 80	= 160
<input type="checkbox"/> First presentation of multiple dependent claim							
<b>SUBTOTAL (2)</b>							<b>(\$ 160)</b>

\* Subtract the greater number of Col. 2  
\*\* If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3

SUBMITTED BY		Complete (if applicable)	
Typed or Printed Name	Eileen A. Lehmann	Reg. Number	39,272
Signature		Date	March 30, 2001

21216/05044/DOCS/1158761.1